

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

STEVEN M. GRIGGS, Register No. 22276-044,)	
)	
Plaintiff,)	
)	
v.)	No. 08-4215-CV-C-NKL
)	
STATE OF MISSOURI, et al.,)	
)	
Defendants.)	

ORDER

On August 4, 2009, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the motions to enter declarations filed by plaintiff on August 6 and 27, 2009, and his exceptions filed on August 28, 2009. The issues raised in plaintiff's pleadings were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted. The court notes plaintiff's attempt to assert that he has suffered injury personally is not supported by his allegations. Plaintiff makes no allegation that he is unable to sell his arts and crafts as authentic "Indian," or that as a federal prisoner he would have the ability or opportunity to do so. The Magistrate Judge properly found plaintiff lacks Article III standing to bring these claims.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of August 4, 2009, is adopted. [30] It is further

ORDERED that because plaintiff Griggs lacks standing to bring these claims in federal court, his complaint is dismissed, pursuant to 28 U.S.C. § 1915, for failure to state a claim on which relief may be granted. It is further

ORDERED that defendants' motion to dismiss is denied as moot. [12] It is further

ORDERED that plaintiff's motions for leave to file declarations are granted. [31, 32]

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: September 2, 2009
Jefferson City, Missouri